

**Disclaimer:**

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

## Michigan

STATE LIQUOR AUTHORITY	State of Michigan Michigan Liquor Control Commission Secondary Governmental Complex 7150 Harris Drive P.O. Box 30005 Lansing, Michigan 48909 Phone: 517-322-1345 Fax: 517-322-5188 E-mail: <a href="mailto:llcinfo@cis.state.mi.us">llcinfo@cis.state.mi.us</a> Website: <a href="http://www.cis.state.mi.us/lcc/home.htm">www.cis.state.mi.us/lcc/home.htm</a>
AGE TO CONSUME	21 – <b>Note:</b> Under the Penal Code, non-alcohol beer and wines which contain less than ½ of 1% alcohol may only be sold to those 18 years of age or older.
AGE TO SERVE	18
AGE TO POUR	18
AGE TO SELL (PACKAGED LIQUOR)	18
MINORS ALLOWED ON PREMISE?	Yes. If the person is under the age of 17, they must be with a parent or guardian in an establishment whose primary business is the sale of alcohol or adult entertainment. City and town ordinances may also address this issue.
CAN PARENTS SERVE?	It is unlawful to serve or sell alcohol to anyone under the age of 21. Minors may consume alcohol as part of a bona fide religious service, or as part of a class when it is a requirement of the course.
HOURS OF SERVICE	<b>On premise Establishments &amp; Off Premise/Retail Stores:</b> Monday thru Saturday: 7:00 a.m. until 2:00 a.m. Sunday: Noon until 2:00 a.m. (on premise must have Sunday sales permit)
ACCEPTED ID'S	Driver's License, State ID card, passport
LEGAL LEVEL OF INTOXICATION WHILE DRIVING	.08 BAC
DRAM SHOP LAW	Yes. Licensees and servers are liable for serving a minor or visibly intoxicated guest. Proof that the minor's ID was checked is a defense. <b>Note:</b> intoxicated guest who was injured may not sue licensee; however, licensee may sue intoxicated guest for any damages he has been forced to pay.
ID CONFISCATION	Michigan authorizes licensees to confiscate IDs they recognize as false. Adulterated/fraudulent ID may be confiscated. Unadulterated ID should not be confiscated (ex. Minor purchasing with own ID)
HAPPY HOUR & OTHER SERVICE RESTRICTIONS	Licensees may not offer single priced, unlimited service drink specials, free drink to patrons or two-for-one drink specials.
PENALTIES FOR SERVING OR SELLING TO A MINOR	Misdemeanor offense. <b>1<sup>st</sup> offense:</b> up to \$1000 fine and up to 60 days imprisonment. <b>2<sup>nd</sup> and subsequent offense:</b> up to \$2500 fine and up to 90 days imprisonment and possible community service. If the violation causes serious injury or death, felony punishable by up to 10 years imprisonment and/or up to \$5000 fine.
WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?	Not regulated.

## **ADDENDUM: MICHIGAN'S DRAM SHOP LAW**

### **MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)**

Act 58 of 1998

436.1801 Granting or renewal of license; surety; selling, furnishing, or giving alcoholic liquor to minor or to person visibly intoxicated; right of action for damage or personal injury; actual damages; institution of action; notice; survival of action; general reputation as evidence of relation; separate actions by parents; commencement of action against retail licensee; indemnification; defenses available to licensee; rebuttable presumption; prohibited causes of action; section as exclusive remedy for money damages against licensee; civil action subject to revised judiciary act.

Sec. 801.

(1) Except as otherwise provided in this act, before the approval and granting, or renewal, of a license, the following licensees or applicants for that license shall make, execute, and deliver to the commission a bond executed by a surety company authorized to do business in the state or, in the discretion of the commission, by approved personal surety running to the people of the state, in the following amounts:

(a) A manufacturer of beer, a manufacturer of wine, a mixed spirit drink manufacturer, an outstate seller of beer, an outstate seller of mixed spirit drink, and an outstate seller of wine, a bond in an amount equal to 1/12 of the total beer, mixed spirit drink, or wine excise taxes paid to the state in the last calendar year or a bond in the sum of \$1,000.00, whichever is greater, for the faithful performance of the conditions of the license issued and for compliance with this act. A surety shall not cancel a bond issued under this subdivision except upon 30 days' written notice to the commission.

(b) A special license authorizing the sale of beer, mixed spirit drink, wine, or spirits for consumption on the premises, a bond in the sum of \$1,000.00. A bond issued under this subdivision shall remain in effect for 60 days after the expiration of the special license. A bond is not required for a church or school.

(2) A retail licensee shall not directly, individually, or by a clerk, agent, or servant sell, furnish, or give alcoholic liquor to a minor except as otherwise provided in this act. A retail licensee shall not directly or indirectly, individually or by a clerk, agent, or servant sell, furnish, or give alcoholic liquor to a person who is visibly intoxicated.

(3) Except as otherwise provided in this section, an individual who suffers damage or who is personally injured by a minor or visibly intoxicated person by reason of the unlawful selling, giving, or furnishing of alcoholic liquor to the minor or visibly intoxicated person, if the unlawful sale is proven to be a proximate cause of the damage, injury, or death, or the spouse, child, parent, or guardian of that individual, shall have a right of action in his or her name against the person who by selling, giving, or furnishing the alcoholic liquor has caused or contributed to the intoxication of the person or who has caused or contributed to the damage, injury, or death. In an action pursuant to this section, the plaintiff shall have the right to recover actual damages in a sum of not less than \$50.00 in each case in which the court or jury determines that intoxication was a proximate cause of the damage, injury, or death.

(4) An action under this section shall be instituted within 2 years after the injury or death. A plaintiff seeking damages under this section shall give written notice to all defendants within 120 days after entering an attorney-client relationship for the purpose of pursuing a claim under this section. Failure to give written notice within the time specified shall be grounds for dismissal of a claim as to any defendants that did not receive that notice unless sufficient information for determining that a retail licensee might be liable under this section was not known and could not reasonably have been known within the 120 days. In the event of the death of either party, the right of action under this section shall survive to or against his or her personal representative. In each action by a husband, wife, child, or parent, the general reputation of the relation of husband and wife or parent and child shall be prima facie evidence of the relation, and the amount recovered by either the husband, wife, parent, or child shall be his or her sole and separate property. The damages, together with the costs of the action, shall be recovered in an action under this section. If the parents of the individual who suffered damage or who was personally

injured are entitled to damages under this section, the father and mother may sue separately, but recovery by 1 is a bar to action by the other.

(5) An action under this section against a retail licensee shall not be commenced unless the minor or the alleged intoxicated person is a named defendant in the action and is retained in the action until the litigation is concluded by trial or settlement.

(6) Any licensee subject to the provisions of subsection (3) regarding the unlawful selling, furnishing, or giving of alcoholic liquor to a visibly intoxicated person shall have the right to full indemnification from the alleged visibly intoxicated person for all damages awarded against the licensee.

(7) All defenses of the alleged visibly intoxicated person or the minor shall be available to the licensee. In an action alleging the unlawful sale of alcoholic liquor to a minor, proof that the defendant retail licensee or the defendant's agent or employee demanded and was shown a Michigan driver license or official state personal identification card, appearing to be genuine and showing that the minor was at least 21 years of age, shall be a defense to the action.

(8) There shall be a rebuttable presumption that a retail licensee, other than the retail licensee who last sold, gave, or furnished alcoholic liquor to the minor or the visibly intoxicated person, has not committed any act giving rise to a cause of action under subsection (3).

(9) The alleged visibly intoxicated person shall not have a cause of action pursuant to this section and a person shall not have a cause of action pursuant to this section for the loss of financial support, services, gifts, parental training, guidance, love, society, or companionship of the alleged visibly intoxicated person.

(10) This section provides the exclusive remedy for money damages against a licensee arising out of the selling, giving, or furnishing of alcoholic liquor.

(11) Except as otherwise provided for under this section and section 815, a civil action under subsection (3) against a retail licensee shall be subject to the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998

Compiler's Notes: Former sections 22 to 22h of Act 8 of 1933 (Ex. Sess.), being MCL 436.22 to 436.22h, and which were repealed by Act 58 of 1998, Eff. Apr. 14, 1998, were formerly known and cited as the "Dram Shop Act."

Popular Name: Dram Shop Act